

Protocol for Reporting and Investigating Alleged Breaches or Irregularities

Any written complaint and/or oral report alleging cheating, security breach, testing administration breach, or intellectual property right infringement shall be reported to the Indiana Department of Education (“Department”) immediately, according to the protocol set forth in this policy.

1. All complaints, whether reported by a named individual or anonymously, shall be reported to:
 - (a) The Chief Assessment Officer at the Department;
 - (b) The Director of Student Assessment at the Department; or
 - (c) The email address istep@doe.in.gov.
2. All complaints, whether reported by a named individual or anonymously, shall be logged, reviewed, and investigated by both the local school corporation and the Department. *If a complaint is filed, then the Department will notify the local school corporation within two business days.*
3. An investigation must occur in a timely manner and shall be:
 - (a) Jointly conducted by the designated staff of the Department in consultation with the superintendent (or the designated staff) of the local school corporation where the allegations occurred unless the Department agrees to an alternate investigative plan.
 - (b) The local school corporation shall maintain confidentiality and shall not conduct investigations prior to *consultation with* the Department.
 - (c) The investigation must, at a minimum, consist of personal interviews with the following:
 - (1) the individual who made initial report (“complainant”) of the potential integrity breach, if known;
 - (2) the individual(s) against whom the allegation(s) is/are filed; and
 - (3) any other individual who may have knowledge of the allegations.
 - (d) The investigation may also consist of any other methods of review deemed pertinent by the investigators within the bounds of the law.
 - (e) Upon completion of the investigation, a report consisting of written findings and final recommendations that is based on all of the facts and surrounding circumstances shall be completed by the investigative body. The report shall include a determination of whether misconduct occurred, did not occur, or whether the allegations could not be substantiated.
 - (f) If it is determined that a violation occurred, one or more of the following recommendations shall be made:
 - (1) Invalidating the test scores of students, school(s), corporation(s), and/or state;
 - (2) If the testing window has not closed, retesting of students with an equivalent form of the test will be considered. If an equivalent form is used, the corporation shall assume the cost of both purchasing and scoring of the equivalent form;
 - (3) Reaggregating the test data for valid test results for students, school(s), corporation(s), and/or state;
 - (4) Retraining of administrator(s) and/or personnel involved in investigation. The corporation shall assume the cost of any retraining determined necessary;

- (5) Prohibiting administrator(s) and/or other personnel from handling Indiana Assessment System secure materials for any determined misconduct; and
- (6) License revocation or other disciplinary action of implicated administrator(s) and/or personnel.

4. Upon acceptance of the report by the Department, an *acknowledged* copy of the report *and an accompanying memorandum* shall be sent to the affected local school corporation superintendent.

5. Upon receipt of the investigative team's report, the local school corporation superintendent may request in writing any recorded conversations, written statements, and/or other documents or materials obtained during the investigation. The requested materials shall be mailed to the local school corporation superintendent via certified mail with proof of receipt.

6. Within 60 days from the date that the local school corporation superintendent receives the *memorandum described in section four above* from the Chief Assessment Officer that accepts the recommendations of the investigative team, the local school corporation superintendent shall report in writing to the Chief Assessment Officer the status of further proceedings and any action taken. This report shall include the following:

(a) Action taken by the local school corporation superintendent:

- (1) no action;
- (2) written reprimand;
- (3) improvement plan; or
- (4) other, including ongoing investigation(s).

(b) Action taken by the local school board:

- (1) no action;
- (2) suspension;
- (3) termination; or
- (4) other, including ongoing investigation(s).

7. Within 90 days of the receipt of a report detailing the local school corporation's final action taken, the Department shall review the action taken by the school corporation to determine whether additional action should be taken, including but not limited to the initiation of an action to revoke licensure/certification. The Department shall send notification of the decision in writing to the local school corporation superintendent and individual(s) against whom the complaint was filed on the same business day that the decision is reached.

8. *Schools should report any testing irregularity that is not also a testing security concern by using the Testing Irregularity Report form found on the Office of Student Assessment webpage. "Testing irregularity" is defined under the administrative regulation to mean "any unexpected event that significantly disrupts the testing environment of two (2) or more students, including, but not limited to, the sounding of the fire alarm or a power outage."*

Note: Italicized text within the document reflects technical changes and clarification added on August 20, 2012.